



TRANSMITTAL LETTER  
(General - Patent Pending)

Docket No.  
MSB-7267

In Re Application of: Wang et. al.

Serial No. 09/605,577	Filing Date June 28, 2000	Examiner J. Seharaseyon	Group Art Unit 1647
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Title: Stabilized Interleukin-2

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TO THE ASSISTANT COMMISSIONER FOR PATENTS:

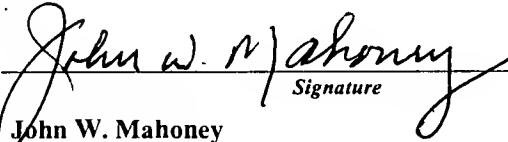
Transmitted herewith is:

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1. Response
2. Copy of Office Communication
3. Copy of Notice to File by John Mahoney
4. Copy of comments responsive to Paper No. 8

in the above identified application.

- No additional fee is required.
- A check in the amount of \_\_\_\_\_ is attached.
- The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below. A duplicate copy of this sheet is enclosed.
- Charge the amount of \_\_\_\_\_
- Credit any overpayment.
- Charge any additional fee required.

  
John W. Mahoney  
*Signature*

John W. Mahoney  
Reg. No. 44,892  
Bayer Corporation  
800 Dwight Way  
P. O. Box 1986  
Berkeley, CA 94701  
510 705-7725

Dated: Aug. 2, 2002

I certify that this document and fee is being deposited on 8-2-02 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

  
Luajuana LeGrande  
*Signature of Person Mailing Correspondence*

Luajuana LeGrande  
*Typed or Printed Name of Person Mailing Correspondence*

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Wang, et al.

Group Art Unit: 1646

Serial Number: 09/605,577

Examiner: J. Seharaseyon

Filed: 06/28/00

Title: STABILIZED INTERLEUKIN-2

Response

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

The following Statement of the Substance of an Interview is responsive to the Office's Communication of July 24, 2002 (copy attached).

**STATEMENT OF THE SUBSTANCE OF INTERVIEW**

Interview Date: December 12<sup>th</sup>, 2001

Time: 9:00 AM, Pacific Standard Time

**BACKGROUND:**

In early December I began my review of the Final Office Action (Paper No. 8) dated October 24<sup>th</sup>, 2001. After reading the Office's comments, it became apparent that the examination was based upon a mistaken understanding of the technology disclosed in the application. [The office action states on Page 3, of Paper No. 8, that "Compounds to achieve protein stabilization, such as sucrose, glycine, histidine, NaCl do not have any particular preference to any protein. Their function is to inhibit lower proteolytic

*activity and therefore they can be employed for stabilization of any protein and motivation almost always is there for testing such possibility. ...]* I placed a call to Mr. Jagatheesan Seharaseyon to discuss this matter. Mr. Jagatheesan Seharaseyon's telephone number was listed in the **Advisory Information** portion of Paper No. 8. Mr. Seharaseyon was not available so I then placed a phone call to Mr. Gary Kunz, the Supervisory Patent Examiner. I discussed my concerns with Mr. Kunz for a few minutes at which point he asked me to provide him with a Supplemental Response after Final Action, detailing my concerns. I agreed to do so.

On December 10<sup>th</sup>, 2001 I sent the requested Supplemental Response (copy attached) to Mr. Kunz.

#### **SUBSTANCE OF TELEPHONE INTERVIEW**

**I received a telephone call from Mr. Kunz at about 9:00 AM on December 12<sup>th</sup>, 2001.** Examiner Seharaseyon was present on the call. The purpose of the call was to discuss the above mentioned Office Action and my Supplemental Response.

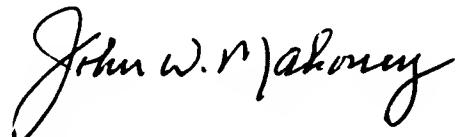
In summary, Mr. Kunz told me that he had reviewed my Supplemental Response and agreed with my comments. He said he would withdraw the Final Office Action and reopen prosecution. He said that I should receive a new Office Action in 2 - 3 weeks.

I prepared a brief note to my prosecution file and a copy of that note is attached.

NOTE: The Paper Number 10 Office Communication cites MPEP §2281 (entitled, "Interviews in Reexamination Proceedings") as the basis for requesting the above summary. Please note that the present matter is not part of a Reexamination Proceeding, and accordingly this particular MPEP section does not apply to this communication.

Should the Office believe that a telephone interview would aid in the prosecution of this application, Applicants encourage the Examiner to call their Attorney at the phone number listed below.

Respectfully Submitted,



Attorney for Applicants  
John W. Mahoney  
Reg. No. 44,892

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Law and Patent Department  
800 Dwight Way  
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Berkeley, CA 94701-1986  
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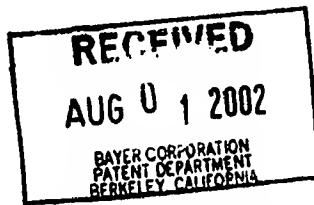
UNITED STATES DEPARTMENT OF COMMERCE  
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[www.uspto.gov](http://www.uspto.gov)



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,577	06/28/2000	Wei Wang	MSB-7267	5817

7590                    07/24/2002

James A Giblin  
Bayer Corporation  
800 Dwight Way  
Berkeley, CA 94701



EXAMINER

SEHARASEYON, JEGATHEESAN

ART UNIT

PAPER NUMBER

1647

DATE MAILED: 07/24/2002

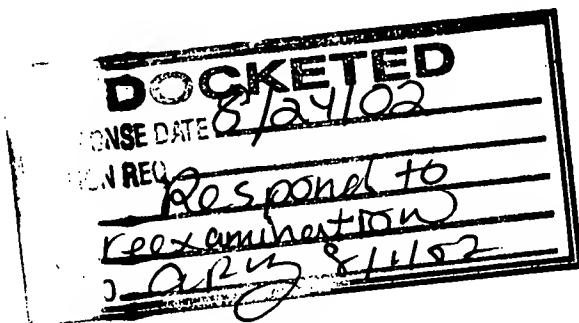
Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Ex Parte Reexamination Interview Summary</b>	Control No.	Patent Under Reexamination
	09/605,577	WANG ET AL.
	Examiner Jegatheesan Seharaseyon	Art Unit 1647

All participants (USPTO personnel, patent owner, patent owner's representative):

- (1) Gary Kunz (3) \_\_\_\_\_  
 (2) \_\_\_\_\_ (4) \_\_\_\_\_

Date of Interview: 12 December 2001

Type: a) Telephonic b) Video Conference  
 c) Personal (copy given to: 1) patent owner 2) patent owner's representative)

Exhibit shown or demonstration conducted: d) Yes e) No.

If Yes, brief description: \_\_\_\_\_

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Any other agreement(s) are set forth below under "Description of the general nature of what was agreed to...**ORIGINALLY FILED**

Claim(s) discussed: 1-6 and 10.

Identification of prior art discussed: \_\_\_\_\_.

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

The office agreed to withdraw the finality of this application and reconsider the art rejections..

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims patentable, if available, must be attached. Also, where no copy of the amendments that would render the claims patentable is available, a summary thereof must be attached.)

A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION MUST INCLUDE PATENT OWNER'S STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. (See MPEP § 2281). IF A RESPONSE TO THE LAST OFFICE ACTION HAS ALREADY BEEN FILED, THEN PATENT OWNER IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO PROVIDE THE MANDATORY STATEMENT OF THE SUBSTANCE OF THE INTERVIEW (37 CFR 1.560(b)). THE REQUIREMENT FOR PATENT OWNER'S STATEMENT CAN NOT BE WAIVED. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).

cc: Requester (if third party requester)

Examiner's signature, if required



MSB-7269

Serial No. 09/605,577  
Copy of Note to File  
Prepared by: John Mahoney  
Reg. #44,892

Note to file:

Dec. 12<sup>th</sup>, 2001

9<sup>00</sup> pm

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Received a phone call from Gary Kunz. He told me that he had reviewed my comments, agreed with me, and would withdraw the final office action and re-open prosecution. He said I should receive a new office action in 2-3 weeks.

John Mahoney

30 DATE TIME TO/FROM MODE MIN/SEC PGS JOB# STATUS  
12/10 12:36 703 308 0294 EC--S 01'52" 0007 194 OK

US Patent and Trademark Office  
Washington D.C.

Art Group 1646

## facsimile transmittal

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To: J. Seharaseyon and G. Kunz Fax: (703) 308-0294  
From: John W. Mahoney Date: 12/10/01  
Re: Application No. 09.605,577 Pages: 6, including transmittal page  
CC:

Urgent     For Review     Please Comment     Please Reply     Please Recycle

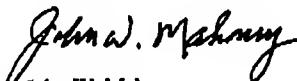
Notes:

Dear Mr Seharaseyon and Mr. Kunz,

Attached are comments responsive to Paper No. 8 in the above referenced patent

application. Please consider these comments as you review this application.

Sincerely,

  
John W. Mahoney

Bayer Corporation,

(510) 705-7725